

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

CHRISTINA LEWIS, Individually and On Behalf
of All Others Similarly Situated,

Plaintiff,

v.

YRC WORLDWIDE INC., JAMES L. WELCH,
JAMIE G. PIERSON, STEPHANIE D. FISHER,
and DARREN D. HAWKINS,

Defendants.

Case No. 1:19-cv-00001-GTS-ATB

**ORDER GRANTING MOTION FOR DISTRIBUTION
OF CLASS ACTION SETTLEMENT FUND**

Having considered all materials and arguments submitted in support of Motion for Distribution of Class Action Settlement Fund (the “Motion”), including the Memorandum of Law in Support of the Motion, and the Declaration of Eric A. Nordskog in Support of Motion for Class Distribution Order dated April 22, 2022 (the “Nordskog Declaration”),

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. As set forth in the Nordskog Declaration, the administrative determinations of the Claims Administrator, A.B. Data, in accepting and rejecting Claims are approved. Specifically, the administrative determinations of the Claims Administrator accepting those Claims set forth in Exhibits D and E to the Nordskog Declaration are approved. Likewise, the administrative determinations of the Claims Administrator rejecting those Claims set forth in Exhibit F of the Nordskog Declaration are approved.
3. Any person asserting claims filed after April 1, 2022, the date used to finalize the

administration by A.B. Data, are finally and forever barred from asserting such claims.

4. The funds that are currently in the Net Settlement Amount¹ shall be distributed on a *pro rata* basis to the Authorized Claimants, identified in Exhibits E and F to the Nordskog Declaration. The funds shall be distributed pursuant to the Stipulation and the Plan of Allocation of the Net Settlement Amount set forth in the Notice.

5. The distribution plan for the Net Settlement Amount as set forth in the Nordskog Declaration and accompanying exhibits is approved. The balance of the Net Settlement Amount shall be distributed to Authorized Claimants. The checks for distribution to Authorized Claimants shall bear the notation “DEPOSIT PROMPTLY; VOID AND SUBJECT TO RE-DISTRIBUTION IF NOT NEGOTIATED WITHIN 120 DAYS OF DISTRIBUTION.” Lead Counsel and A.B. Data are authorized to locate and/or contact any Authorized Claimant who has not cashed his, her, or its check within said time. Authorized Claimants who fail to negotiate a distribution check within the time allotted or consistent with the terms outlined in the Nordskog Declaration will irrevocably forfeit all recovery from the Settlement.

6. If any funds remain in the Net Settlement Amount by reason of uncashed checks or otherwise, then, after the Claims Administrator has made reasonable and diligent efforts to have Authorized Claimants who are entitled to participate in the distribution of the Net Settlement Amount cash their distribution checks, any balance remaining in the Net Settlement Amount seven (7) months after the initial distribution of such funds shall be used: (i) to pay any additional Class Notice and Administration Expenses incurred in administering the Settlement; and (ii) to make a second distribution to Authorized Claimants who cashed their checks from the initial distribution

¹ All capitalized terms that are not otherwise defined herein have the same meanings as set forth in the Stipulation of Settlement (the “Stipulation”) (ECF No. 96).

and who would receive at least \$20.00 from such second distribution, after payment of the estimated costs or fees to be incurred in administering the Net Settlement Amount and in making this second distribution, if such second distribution is economically feasible.

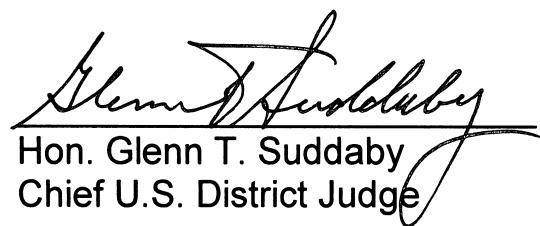
7. All persons involved in the review, verification, calculation, tabulation, or any other aspect of the processing of claims submitted herein, or otherwise involved in the administration or taxation of the Settlement Fund or the Net Settlement Amount, are released and discharged from any and all claims arising out of such involvement, and all Settlement Class Members, whether or not they are to receive payment from the Net Settlement Amount, are barred from making any further claim against the Net Settlement Amount or the released person beyond the amount allocated to them pursuant to this Order.

8. A.B. Data is authorized to discard paper or hard copies of claims and all supporting document no less than one year after the second distribution of the Net Settlement Amount, if that occurs, or, if there is no second distribution, two years after the initial distribution. A.B. Data is also authorized to destroy the electronic copies of the claims and all supporting documentation no less than one year after all funds have been distributed.

9. A.B. Data's request for payment of: (a) outstanding fees and expenses already incurred in connection with the administration in the amount of \$4,546.61; and (b) its estimate to complete the Initial Distribution in the amount of \$11,978.00, as set forth in paragraph 39 of the Nordskog Declaration and Exhibit G thereto, is approved.

10. This Court retains jurisdiction over any further application or matter which may arise in connection with this action.

Dated: May 5, 2022



Hon. Glenn T. Suddaby
Chief U.S. District Judge